

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**1) BRANDON SUMLIN,**

**2) LUCIUS GARRISON,**

**3) HARRY SKIPPER,**

**4) GREG WARD,**

**5) SERGIO MORALES,**

Plaintiffs,

v.

**EXPRESSWAYS RENTAL  
PROPERTIES, LLC,**

Defendant.

**Case No. CIV-20-77-D**

**COMPLAINT**

**COME NOW THE PLAINTIFFS** and hereby plead their claims as follows:

**PARTIES**

1. The Plaintiffs are:

- A. Brandon Sumlin, an adult resident of Oklahoma County, Oklahoma.
- B. Lucius Garrison, an adult resident of Oklahoma County, Oklahoma.
- C. Harry Skipper, an adult resident of Oklahoma County, Oklahoma.
- D. Greg Ward, an adult resident of Oklahoma County, Oklahoma.
- E. Sergio Morales, an adult resident of Oklahoma County, Oklahoma.

2. Defendant Expressways Rental Properties, LLC, (“Expressways”) is a domestic limited liability company operating in Oklahoma County, Oklahoma.

### **JURISDICTION AND VENUE**

3. Plaintiffs’ claims are for failure to pay wages as required under the Fair Labor Standard Act (“FLSA”), including a failure to pay overtime and a failure to properly maintain time records such that overtime could be compensated.
4. Plaintiffs worked in and around Oklahoma County, Oklahoma, and the Defendant may be served in that county. Oklahoma County is located in the Western District of the United States District Court of Oklahoma. Wherefore, venue is proper in this court.

### **STATEMENT OF FACTS**

5. Defendant has had an annual gross volume of sales made or business done in an amount not less than \$500,000 for the period covered by this complaint, and is a covered employer under the FLSA.
6. Each of the named plaintiffs was employed by Defendant in Defendant’s maintenance department.
7. Plaintiffs’ job duties included maintaining the property in a manner that is safe and able to be utilized by tenants.
8. Plaintiffs worked on an hourly basis for Defendant and were required to be on-call for necessary emergency work.
9. During their employment, Plaintiffs were required to work in excess of forty (40) hours per week in the performance of their job duties.

10. Plaintiffs were not salary employees as they were paid hourly if they worked less than forty hours per workweek.
11. Defendant refused to track Plaintiffs' hours worked in excess of forty (40), and failed to pay overtime compensation at a rate of 1.5 times Plaintiffs' regular pay for hours worked in excess of forty (40) during the workweek.
12. Plaintiffs were not exempt employees as defined by the FLSA.
13. As a direct result of Defendant's actions Plaintiffs have suffered lost wages (including overtime wages at a rate of 1.5 times their regular pay).
14. Plaintiff Sumlin originally filed this action in Oklahoma County on March 28, 2017. Defendant timely and properly removed this action to the Western District of Oklahoma on April 27, 2017.
15. By agreement of the parties, the statutes of limitations for Plaintiffs were tolled pending settlement negotiations.
16. This action is timely refiled for the named Plaintiffs under the parties' agreement.
17. Under the FLSA, Plaintiffs are entitled to compensation for the hours worked in excess of forty (40) per workweek, at a rate of 1.5 times their regular pay.
18. Because the actions of Defendant were willful, Plaintiffs are entitled to liquidated damages in an amount equal to their actual damages.

### **PRAYER**

Plaintiffs respectfully requests this Court enter judgment in their favor and against the Defendant and grant them all compensatory damages suffered

together with liquidated damages, attorneys' fees, costs and interest and such other legal and equitable relief as this Court deems just and proper.

**RESPECTFULLY SUBMITTED THIS 28TH DAY OF JANUARY 2020.**

*s/D. Colby Addison*

D. Colby Addison, OBA #32718

Leah M. Roper OBA #32107

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ATTORNEYS FOR PLAINTIFF

JURY TRIAL DEMANDED

ATTORNEY'S LIEN CLAIMED

**CERTIFICATE OF SERVICE**

This is to certify that on January 28, 2020, a true and correct copy of the foregoing instrument was electronically transmitted to the Clerk of Court using the ECF System for filing and transmittal of Notice of Electronic Filing to the following ECF registrants:

Adam W. Childers

Mary P. Snyder

CROWE & DUNLEVY

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ATTORNEYS FOR DEFENDANT